

BEFORE THE TENNESSEE REGULATORY AUTHORITY

AT NASHVILLE, TENNESSEE

January 9, 2003

IN RE:

**COMPLAINT OF MR. MICHAEL
VAN WIES AGAINST CENTURYTEL
OF OOLTEWAH-COLLEGEDALE**

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**DOCKET NO.
02-00058**

ORDER ESTABLISHING REVISED PROCEDURAL SCHEDULE

In an Order dated December 6, 2002, the Hearing Officer directed each party to state which dates during January 2003 the party would be available for a Hearing. By letter received on December 20, 2002, Mr. Van Wies stated that he would be available for a Hearing on any date in January 2003 except January 16, 2003. By letter received on December 27, 2002, CenturyTel stated that it would be available for a Hearing on January 21, 22, 27, 28, 29, 30, or 31. CenturyTel also requested that the Hearing Officer set new deadlines for the filing of pre-filed and rebuttal testimony.

The Hearing Officer hereby establishes the revised procedural schedule in this matter as follows:

January 17, 2003

On or before this date, each party may file with the Authority the pre-filed testimony of any witnesses whom the party intends to call to testify at the hearing, along with any supporting documentation. Such testimony will assist the Hearing Officer in considering the party's position as presented at the Hearing.

January 23, 2003

On or before this date, each party may file with the Authority any rebuttal testimony in response to the pre-filed testimony filed by the opposing party.

January 30, 2003

A Hearing on the merits will take place, beginning at **1:00 p.m.** in the Authority's Hearing Room.

All filings are required to be submitted to the Authority no later than **2:00 p.m.** on the date they are due. Requests for extensions of time shall be made by written motion and shall state the grounds therefor.

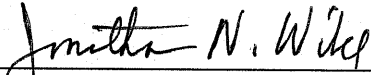
The Hearing Officer's December 6, 2002 Order states that Mr. Van Wies must respond to CenturyTel's Interrogatory No. 7, contained in its May 24, 2002 discovery requests, in order to be permitted to call Mr. John Russell as an expert witness. Interrogatory No. 7 requests information regarding Mr. Russell's background and testimony. In his December 20, 2002 letter, Mr. Van Wies provided a response to this interrogatory. In subsection (h), Mr. Van Wies listed four (4) categories of documents in response to CenturyTel's request that he "identify any exhibits to be used as a summary of or support for the testimony or opinions provided by the expert."¹

CenturyTel's May 24, 2002 discovery requests also included a request that Mr. Van Wies produce a "copy of all documents which relate or pertain to any factual information provided to, gathered by, utilized or relied upon by any of Petitioner's proposed expert witnesses in evaluating, reaching conclusions or formulating an opinion in the captioned matter."² To be permitted to introduce the expert testimony of Mr. Russell, Mr. Van Wies shall provide copies of the documents listed in subsection (h) of his December 20, 2002 response to Interrogatory No. 7 to CenturyTel, as well as file copies of these documents with the Authority, no later than January 22, 2003. If Mr. Van Wies does not serve and file these documents in the specified time, he will not be permitted to call Mr. Russell as an expert witness at the Hearing or otherwise introduce expert testimony from Mr. Russell.

¹ *Request for Discovery from CenturyTel to Michael Van Wies*, May 24, 2002, p. 11.

² *Id.*, p. 17.

In subsection (e) of his December 20, 2002 response, Mr. Van Wies listed Angelika Riley and Ken Vandergriff as persons whom his expert consulted "in connection with his expected testimony," as requested in CenturyTel's discovery request.³ Although Mr. Van Wies has indeed identified these two individuals, it would be helpful for Mr. Van Wies to explain briefly who they are and what knowledge or expertise they have that relates to the issue in this case. The Hearing Officer requests that Mr. Van Wies file with the Authority and serve upon CenturyTel such an explanation no later than January 22, 2003.


Jonathan N. Wike, Hearing Officer

³ *Id.*, p. 10.